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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES, ) 1:23-cv-00108-LMB-JFA  
et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
GOOGLE LLC, )  
 )  
Defendants. )

- HIGHLY CONFIDENTIAL -

VIDEOTAPED DEPOSITION OF  
CHRISTOPHER KARPENKO  
August 10, 2023  
9:35 a.m.

Reported by: Bonnie L. Russo  
Job No. 6031969

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Videotaped Deposition of Christopher Karpenko  
held at:

Paul, Weiss, Rifkind, Wharton & Garrison, LLP  
2001 K Street, N.W.  
Washington, D.C.

Pursuant to Notice, when were present on behalf  
of the respective parties:

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## APPEARANCES:

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## APPEARANCES (CONTINUED):

Also Present:

Glen Fortner, Videographer  
Michael Weaver, United States Postal Service

Also Present Via Remotely:

Julia Wood, DOJ  
Sean Carman, DOJ  
Katherine Clemens, DOJ  
Jeannie S. Rhee, Paul, Weiss, Rifkind, Wharton  
& Garrison, LLP

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(Exhibits bound separately.)

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## P R O C E E D I N G S

(9:36 a.m.)

THE VIDEOGRAPHER: Good morning.

We are going on the record at  
on August 10, 2023.

Please note that the microphones are  
sensitive and may pick up whispering and  
private conversations. Please mute your phones  
at this time. Audio and video recording will  
continue to take place unless all parties agree  
to go off the record.

This is Media Unit 1 of the  
video-recorded deposition of Christopher  
Karpenko in the matter of United States, et  
al., v. Google LLC. The location of the  
deposition is Paul Weiss.

My name is Glen Fortner representing  
Veritext, and I am the videographer. The court  
reporter is Bonnie Russo from the firm  
Veritext. I am not related to any party in  
this action, nor am I financially interested in

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the outcome.

If there are any objections to  
proceeding, please state them at the time of  
your appearance.

Counsel and all present, including  
remotely, will now state their appearances and  
affiliations for the record beginning with the  
noticing attorney.

MS. GOODMAN: Martha Goodman from  
Paul Weiss on behalf of Google LLC, and I am  
joined by my colleague Annelise Corriveau.

MR. RYAN: Good morning. James Ryan  
on behalf of the United States and the witness.

MR. GROSSMAN: David Grossman on  
behalf of the United States.

MR. CHU: Alvin Chu on behalf of the  
United States.

MR. WEAVER: Michael Weaver for the  
United States Postal Service.

MR. KARPENKO: Chris Karpenko with  
the United States Postal Service.

MS. GOODMAN: Is anybody on Zoom who

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needs to state their appearance, please?

MS. WOOD: I don't need to state an  
appearance, but I'll be in and out throughout  
the day. Julia Wood from the Department of  
Justice.

MS. CLEMENS: Same for -- this is  
Katherine Clemens with the Department of  
Justice.

MR. CARMAN: And Sean Carman from  
the Department of Justice.

MS. GOODMAN: We did not hear the  
last person who spoke. Can you repeat  
yourself, please.

MR. CARMAN: Yeah. Sean Carman for  
the Department of Justice, S-E-A-N C-A-R-M-A-N.

MS. GOODMAN: Okay.

CHRISTOPHER KARPENKO,  
being first duly sworn, to tell the truth, the  
whole truth and nothing but the truth,  
testified as follows:

EXAMINATION BY COUNSEL FOR DEFENDANT

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BY MS. GOODMAN:

Q. Good morning, Mr. Karpenko.

A. Good morning.

Q. Have you been deposed before?

A. I have.

Q. How recently?

A. Possibly within the last two years.

Q. And was that in connection with your  
work at the U.S. Postal Service?

A. It was.

Q. And what was it regarding?

A. Specifically it was in regards to  
contested environment for picture permit  
stamps.

Q. Okay. For -- for purposes of this  
deposition, I want to make sure that you take a  
pause before I finish my question so that I can  
complete my question, allow your counsel to  
object, and then you can answer the question.  
Okay?

A. Okay.

Q. And can you also speak up a little

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1 bit. Sometimes it's a bit hard to hear you,  
2 and we want to make sure the court reporter is  
3 getting everything down. Okay?

4 A. Sure.

5 Q. Okay. And if you don't understand  
6 my question, please let me know. Okay?

7 A. Okay.

8 Q. Otherwise, I will assume you  
9 understand my question. Sound good?

10 A. Yes.

11 Q. And the court reporter cannot really  
12 transcribe uh-huh or huh, uh-uhs because they  
13 are hard to understand what you mean, so can  
14 you please answer a question with a yes or no  
15 or another verbal manner. Okay?

16 A. Yes.

17 Q. And is there any reason you cannot  
18 provide truthful and accurate testimony today?

19 A. No.

20 Q. And what is your current title at  
21 the United States Postal Service?

22 A. As of today, it's senior director

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1 customer marketing.

2 Q. And for how long have you held the  
3 role of senior director for customer marketing?

4 A. Maybe three months.

5 Q. And what do you do as the senior  
6 director for customer marketing?

7 A. I'm responsible with my team to  
8 represent the postal service to perform  
9 marketing initiatives, messaging, and create a  
10 positive brand for the United States Postal  
11 Service.

12 Q. And prior to taking on the role of  
13 senior director for customer marketing, what  
14 was your role at the postal service?

15 A. Executive director of brand  
16 marketing.

17 Q. And what is the difference between  
18 your role of senior director of customer  
19 marketing and executive director of brand  
20 marketing?

21 MR. RYAN: I'll object to  
22 foundation, but it's fine.

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1 THE WITNESS: There are several  
2 nuances of reporting structure where some of my  
3 directs have been moved. We've elevated those  
4 groups as we have grown them to make them more  
5 of a larger autonomous group.

6 BY MS. GOODMAN:

7 Q. How about with respect to your job  
8 responsibilities? Have those changed in the  
9 course of moving from the executive director to  
10 the senior director position?

11 A. I don't have specific  
12 responsibilities tied to licensing and  
13 intellectual property. The other move -- moved  
14 to what we would call our digital group under  
15 Kim Workinger. That encompasses all our -- our  
16 own USPS.com site.

17 Q. So the digital group under Kim  
18 Workinger encompasses the USPS.com site. Am I  
19 understanding you correctly?

20 A. Yes.

21 Q. And when you were executive director  
22 for brand marketing, you had responsibilities

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1 tied to licensing and intellectual property.

2 Am I understanding that correctly?

3 A. Yes.

4 Q. How about with respect to  
5 advertising? How, if at all, have your  
6 responsibilities changed from being executive  
7 director to senior director?

8 MR. RYAN: Objection. Form.

9 THE WITNESS: I still have the  
10 responsibilities to develop campaigns and  
11 execute them. We have a marketing operations  
12 team that answers under our insights group.  
13 That's probably the only other difference that  
14 I can think of at the moment --

15 BY MS. GOODMAN:

16 Q. And --

17 A. -- other than what you were stating  
18 before.

19 Q. So in your capacity -- in your prior  
20 capacity as executive director and in your  
21 current capacity as senior director, please  
22 describe what your responsibilities are with

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1 respect to advertising.

2 MR. RYAN: Objection. Vague.

3 THE WITNESS: Could you clarify for  
4 me.

5 BY MS. GOODMAN:

6 Q. What do you understand the term  
7 "advertising" to mean?

8 A. Advertising for me is to be able to  
9 position messaging in whatever format that  
10 might be to our potential customers, whether  
11 they be consumer or businesses, and the postal  
12 service -- and my role in the postal service is  
13 to help place proper messaging for our various  
14 campaigns that we are going to be executing for  
15 the year.

16 Q. Okay. And so with respect to the  
17 understanding of advertising that you have just  
18 stated for the record, can you please describe  
19 what your responsibilities are with respect to  
20 advertising.

21 A. My role is to determine what  
22 campaigns to run for the year, take the

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1 insights that are provided to us, take the  
2 target audience that we're trying to reach, and  
3 make creative and place that creative or  
4 content in the appropriate way for our desired  
5 outcome.

6 Q. And when you say "place that  
7 creative or content in the appropriate way for  
8 our desired outcome," what do you mean?

9 A. Proper messaging can be placed or  
10 positioned in a variety of ways. We use media,  
11 variety of different media types. We also use  
12 materials that we provide to our salespeople.

13 Q. When you say that you -- you use  
14 media in a variety of different media types,  
15 can you elaborate on that, please.

16 A. Can you clarify what you mean by --  
17 what you're looking for.

18 Q. Well, when you say media, that you  
19 use a variety of different media types, what do  
20 you mean?

21 A. So we have a variety of different  
22 media channels that we use. Those media

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1 channels are fairly broad, so not all  
2 inclusive. Top of mind you would see the  
3 traditional TV, radio, print, direct mail,  
4 digital, which would have subsets within that  
5 that might fall under social media, banner  
6 advertising, e-mail marketing, and then we, of  
7 course, have our own messaging that we use  
8 within our own postal infrastructure.

9 Q. And so your role includes then  
10 determining the kind of media to use when  
11 seeking to get your message out to your target  
12 audience; is that correct?

13 MR. RYAN: Objection. Foundation.

14 THE WITNESS: Myself and my group  
15 have responsibility for rolling out campaigns  
16 that would include a variety of different media  
17 types, and we assess what those media types  
18 may -- may work in combination with each other  
19 to optimize our results.

20 BY MS. GOODMAN:

21 Q. Okay. And you have -- do you have a  
22 direct role in selecting the variety of

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1 different media types that are used for a  
2 particular campaign?

3 A. Yes.

4 Q. How long have you been at the United  
5 States Postal Service?

6 A. Over 35 years.

7 Q. And what -- prior to -- well, strike  
8 that.

9 How long -- for what time period  
10 were you executive director of brand marketing  
11 for the USPS?

12 A. I was in that role eight-plus years,  
13 I believe.

14 Q. How did you come to be the executive  
15 director of brand marketing?

16 A. I was selected by the chief  
17 marketing officer.

18 Q. Do you report to the chief marketing  
19 officer?

20 A. I report to the VP of marketing  
21 today.

22 Q. And who is the VP of marketing?

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1 A. Sheila Holman, H-O-L-M-A-N.

2 Q. When you were executive director,  
3 did you also report to Ms. Holman?

4 A. For a short period of time, yes.

5 Q. What period of time did you report  
6 to Ms. Holman?

7 A. I believe she was hired while we  
8 were in COVID, so 2021, I believe.

9 Q. And prior to Ms. Holman being hired,  
10 to whom did you report while you were executive  
11 director of brand marketing?

12 A. The name was Steve Monteith.

13 Q. Is that M-O-N-T-E-I-T-H --

14 A. T-E-I-T-H, yes. With a V, I  
15 believe. Steve Monteith.

16 Q. And what -- was Mr. Monteith the VP  
17 of marketing?

18 A. He was.

19 MR. RYAN: Objection. Form.

20 THE WITNESS: Sorry.

21 MS. GOODMAN: What is the form  
22 objection?

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1 MR. RYAN: Sorry. I meant  
2 foundation.

3 BY MS. GOODMAN:

4 Q. And how many direct reports do you  
5 have as senior director?

6 A. I have three directors along with an  
7 administrative assistant.

8 Q. And while you were executive  
9 director, how many direct reports did you have?

10 A. Seven, I believe.

11 Q. How did -- what changed in the  
12 structure of the organization where you said at  
13 the postal service causing you to go from seven  
14 direct reports to three direct reports?

15 A. We have a Postmaster General Louis  
16 DeJoy. He has been revamping the organization.  
17 We have been working on investing in developing  
18 different groups. He has a style that works  
19 with a flatter layer of an organization.

20 We have elevated two groups within  
21 my former team: The digital team and the IP  
22 and licensing. The creative team now falls

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1 under licensing and IP, and we took marketing  
2 operations and moved it over to insights.

3 In addition to that, we are going  
4 through another restructure, so we are in the  
5 midst of having that assessed.

6 Q. Is that stressful?

7 A. That's probably a great question.  
8 Not as stressful as the first restructure I  
9 went through --

10 Q. Okay.

11 A. -- back in 1992.

12 Q. The digital team you said has been  
13 elevated. What's the digital team?

14 A. The digital team encompasses what we  
15 do on our dot-com site. It's known as  
16 USPS.com. It's our site that most everyone  
17 will go to to find information on a variety of  
18 different things.

19 It's historically mission based.  
20 People go there for purpose, for reason. You  
21 can do anything from identifying where your  
22 local post office is and their hours, services

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1 that are available, and in some cases, you can  
2 conduct transactions such as creating a --  
3 creating a label for shipping. You can go to  
4 USPS.com store to transact and purchase stamps  
5 online, P.O. Box renewal. There are probably  
6 30-plus applications one can do within the  
7 USPS.com site, track a package so...

8 Q. And prior to the restructuring that  
9 came along with your change from executive to  
10 senior director, was the digital team reporting  
11 to you?

12 A. Yes.

13 Q. And what team within your portfolio  
14 of responsibilities is responsible for  
15 advertising for the United States Postal  
16 Service?

17 MR. RYAN: Objection to foundation.

18 THE WITNESS: All of my team has  
19 some level of responsibility for advertising  
20 for the postal service.

21 BY MS. GOODMAN:

22 Q. And what team more specifically has

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1 responsibility for disseminating the message to  
2 the target audience the postal service is  
3 seeking to reach through a variety of media  
4 channels?

5 MR. RYAN: Objection to foundation.

6 THE WITNESS: All of my team has  
7 some role within that.

8 BY MS. GOODMAN:

9 Q. Okay. And so when the digital team  
10 was within your remit, what role did they have  
11 with respect to advertising?

12 MR. RYAN: Objection. Vague.

13 THE WITNESS: The digital team had  
14 responsibility for messaging on dot-com. They  
15 also, from a prior restructure probably in  
16 2019, 2020, had a senior marketing specialist  
17 position taking on COR, contracting officer  
18 representative, roles for our media agency of  
19 record.

20 BY MS. GOODMAN:

21 Q. And is that media agency of record  
22 Universal McCann?

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1 A. Yes.

2 Q. And throughout your tenure as  
3 executive director of brand marketing and now  
4 while you are a senior director of customer  
5 marketing, is Universal McCann the media agency  
6 of record?

7 A. They are the media agency of record,  
8 yes.

9 Q. And they were for the 2019 to -- at  
10 least as of 2019, they were also the media  
11 agency of record; is that correct?

12 A. Yes.

13 Q. Are there any other media agencies  
14 of record for the United States Postal Service?

15 MR. RYAN: Objection to form.

16 MS. GOODMAN: What's the form  
17 objection?

18 MR. RYAN: That the -- I'm sorry.  
19 The foundation. Sorry. I get them confused  
20 sometimes. Just the --

21 MS. GOODMAN: I'll rephrase the  
22 question.

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1 BY MS. GOODMAN:

2 Q. Mr. Karpenko, do you know whether  
3 there are any other media agencies of record  
4 for the United States Postal Service?

5 A. We have agencies. I'm not aware of  
6 any other agency specifically as our media  
7 agency of record.

8 Q. Okay. Do you recall what month you  
9 -- your title changed from executive director  
10 to senior director?

11 A. Specifically, no. I think it was  
12 March or April.

13 Q. So at least for the time period of  
14 January 2019 through February of 2023, you were  
15 the executive director of brand marketing?

16 A. Yes.

17 Q. Okay. Now, and while you were  
18 executive director of brand marketing, what  
19 other teams reported up to you? We talked  
20 about the digital team. We talked about the  
21 licensing team. What other teams were within  
22 your remit?

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1 A. So the digital team. We had the  
2 licensing team, as you stated. I had the  
3 creative art team, creative services team, the  
4 same. I had the brand mail team, the brand  
5 shipping team, the brand retail team. I had a  
6 marketing -- marketing operations position.  
7 Prior to 2019 it was a team, and an  
8 administrative assistant. I believe that's  
9 all.

10 Q. I'll do my best not to interrupt  
11 you. I'm sorry.

12 A. No. That's okay.

13 Q. What -- what was the  
14 responsibilities of the brand mail team?

15 A. The brand mail team is a group that  
16 has a purpose of providing messaging about mail  
17 and about mail to a variety of different target  
18 audiences and customers. It primarily focuses  
19 on a business environment, commercial use.  
20 Those businesses could be independents, small,  
21 micro, small, medium, large enterprise as such.

22 We do -- there is some -- there is

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MR. RYAN: Objection to this line.

I mean, you can't ask questions like this. Are you asking which attorneys he has talked with?

MS. GOODMAN: Yes. It's an entirely proper question.

BY MS. GOODMAN:

Q. So my question to you, Mr. Karpenko, is: What attorneys have you spoken with this year regarding a government investigation of digital advertising and Google?

A. Michael Weaver has been my primary contact. There may be others within the law department present. I -- I'm not specifically recalling anyone over another. It was very much just an interaction conversation.

Q. And when you say "the law department," is that within the postal service?

A. My reference to the law department is the USPS law department.

Q. How about any lawyers affiliated with the Department of Justice?

MR. RYAN: Objection --

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BY MS. GOODMAN:

Q. Have you spoken this year with any lawyers from the Department of Justice regarding an investigation of digital advertising and Google?

MR. RYAN: Objection to form and foundation.

THE WITNESS: Yes.

BY MS. GOODMAN:

Q. And what lawyers at the Department of Justice have you spoken with regarding an investigation of digital advertising and Google?

MR. RYAN: Objection to foundation.

MS. GOODMAN: Mr. Karpenko has said that he spoke with Department of Justice lawyers. I have asked the foundation -- I have laid the foundation and now --

MR. RYAN: It's not a memory test.

MS. GOODMAN: -- I am following on the question.

MR. RYAN: It's not a memory test.

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MS. GOODMAN: Of course not. If he doesn't recall, he can provide that answer, but the foundation objections are not proper so --

MR. RYAN: But you're asking the attorney -- you're asking him to list out all the attorneys he has spoken with and --

MS. GOODMAN: If he can do that, yes. I am entitled to ask the question. If he is not able to recall those names from his memory --

MR. RYAN: You are getting into communications with counsel, so I just --

MS. GOODMAN: No. No, I'm not.

MR. RYAN: If -- he can try to answer questions about who he has talked with to the extent he knows or recalls and when those communications -- you're entitled to ask those questions, but I think the questions are going into the line of communications with counsel.

MS. GOODMAN: Okay. Well, I am very mindful of that line, and I am -- I am not

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intending to impede into privileged conversations. I am asking for the identities of the lawyers as well as the time period. The kind of things that would occur -- appear -- appear on a privilege log. So that's what my questions are designed at. Okay.

BY MS. GOODMAN:

Q. Mr. Karpenko, to the extent you recall, which attorneys at the Department of Justice have you spoken with regarding the government investigation into digital ads and Google?

A. I can't recall them all. There are three attorneys representing the Department of Justice here that I have engaged with privileged conversation with.

There is one on the Zoom that shows up as the one screen that we have engaged -- I believe I have engaged with.

Q. And is that Mr. Carman?

A. I believe so.

Q. Okay.

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1 A. There are probably others. I didn't  
2 keep a list of them. I would have to go back  
3 and refer to maybe a meeting invite that people  
4 were on, but I wouldn't be able to tell you  
5 specifically who off the top of my head, and  
6 even some I wouldn't even remember their names.

7 Q. In what time period do you recall --  
8 what was the first time you recall speaking  
9 with a lawyer from the Department of Justice  
10 regarding a digital -- regarding an  
11 investigation into digital ads and Google?

12 A. The -- it was similar to the time  
13 that it became publicly published out into the  
14 world.

15 Q. And when you came across the  
16 publication of the lawsuit in the course of  
17 your work -- well, strike that.

18 Is that how you came to learn of the  
19 lawsuit in the course of your work as executive  
20 director of brand marketing?

21 A. I became aware --

22 MR. RYAN: Objection to foundation.

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1 THE WITNESS: I became aware of --  
2 of the complaint through a news feed that came  
3 through my iPhone as well as through our  
4 lawyers reaching out to us through some  
5 contact, I believe, with Department of Justice.

6 BY MS. GOODMAN:

7 Q. And prior to learning of the  
8 complaint through a news feed that came from  
9 your iPhone, had you anticipated being involved  
10 in a lawsuit regarding Google and digital  
11 advertising?

12 MR. RYAN: Object to the form.  
13 Mischaracterizing the witness's prior  
14 testimony.

15 THE WITNESS: Could you clarify that  
16 for me.

17 BY MS. GOODMAN:

18 Q. Sure. Before you learned of the  
19 lawsuit through a news feed that came through  
20 your iPhone, did you know a lawsuit would be  
21 coming?

22 MR. RYAN: Object to the form.

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1 THE WITNESS: I only knew of the  
2 complaint as a complaint. I did not know if  
3 postal would be involved nor if I would be  
4 involved in any of the complaint.

5 BY MS. GOODMAN:

6 Q. And so it was subsequent to the  
7 filing of the complaint that you came to be  
8 involved in this lawsuit; is that accurate?

9 MR. RYAN: Objection. Foundation.  
10 Objection. Form and foundation.

11 THE WITNESS: I am trying to  
12 remember if information was asked for from the  
13 postal service tied to our media spend and our  
14 media process.

15 BY MS. GOODMAN:

16 Q. But prior to the filing of the  
17 complaint, did you have any knowledge or  
18 awareness that the postal service would be  
19 involved as an entity for which the United  
20 States would seek monetary damages from Google?

21 MR. RYAN: Objection to form.

22 THE WITNESS: I wouldn't have

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1 specific information as to DOJ's specific  
2 intent.

3 BY MS. GOODMAN:

4 Q. So you --

5 A. I didn't -- I didn't write the  
6 complaint.

7 Q. Have you read the complaint?

8 A. I have.

9 Q. And have you seen the United States  
10 Postal Service mentioned anywhere in it?

11 A. I believe so.

12 Q. Okay. And when you read the -- did  
13 you read the complaint around the time that it  
14 was filed?

15 A. Yes.

16 Q. Okay. Did you read it as a result  
17 of the news alert that you got?

18 MR. RYAN: Objection. Foundation.

19 THE WITNESS: I believe it was  
20 provided under privilege while we were having  
21 discussions.

22 MS. GOODMAN: Okay. Can I have Tab

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6.

(Deposition Exhibit 33 was marked for identification.)

BY MS. GOODMAN:

Q. Prior to the filing of the complaint, did you anticipate being a witness in this lawsuit?

A. There was nothing for me to think that I would be a witness for the complaint.

Q. And is that -- strike that.

I am handing you Exhibit 33, USPS-ADS-140586 through 588.

I will ask you to take a look and see if you recognize this as an e-mail you received in January of 2023.

Did you receive this e-mail?

A. Yes.

Q. And it is with an individual at the United States Postal Service, Office of Inspector General; is that right?

A. Yes.

Q. And to the best of your

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recollection, was January 9, 2023, the first time you received any outreach with respect to an inquiry that sought to determine whether the U.S. Postal Service purchased any advertising on the open web in third-party websites, such as New York Times.com, CNN.com or Bloomberg.com?

MR. RYAN: Objection to form and foundation.

THE WITNESS: Could you repeat the question again, please.

BY MS. GOODMAN:

Q. Sure. I just want to know if -- and I was reading from Mr. Gardener's e-mail to you on January 9 at the bottom of the document.

A. Yes.

Q. Was that the first outreach you received from anybody within the government about an inquiry, as he uses, to determine whether the postal service purchased any advertising on the open web and third-party websites, such as New York Times.com, CNN.com

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or Bloomberg.com?

MR. RYAN: Objection to form.

THE WITNESS: The e-mail above -- component above Matthew Gardner does say coincidentally we have a meeting with another group, DOJ, tied to something very similar.

BY MS. GOODMAN:

Q. And that's you writing; is that right?

A. That is me writing, yes.

Q. To Mr. Gardner.

And do you recall when you received any outreach from the DOJ tied to something very similar?

A. I do not. No. I do not.

Q. You write to Mr. Gardner: "Our team really handles the paid media and most of that media is acquired through our media agency for USPS."

MR. RYAN: Martha, can you specify where you are?

MS. GOODMAN: I am reading Mr.

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Karpenko's e-mail dated January 9, 11:12 a.m., in the middle of page Bates ending 87. First paragraph.

BY MS. GOODMAN:

Q. What did you mean that: "Most of that media is acquired through our media agency through USPS"?

A. I am just looking for it here.

Q. I'm sorry. Page 2.

A. Page 2.

Q. Middle of the page.

MR. RYAN: I mean, you can take your time to look at the document.

MS. GOODMAN: Yeah.

BY MS. GOODMAN:

Q. It's in the same paragraph where you --

A. "Since our team really handles the paid media," about midway on the page.

Q. Yes.

A. Thank you. We do. So your question was: What does that mean?

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1 Q. Yes. You can answer.

2 A. Our team manages a contract, we have  
3 a contract with Universal McCann and that we  
4 instruct them to help us provide and place  
5 media for our initiatives.

6 Q. And Universal McCann purchased that  
7 -- purchases that media; is that correct?

8 A. Yes.

9 Q. Now, in your third paragraph, where  
10 you say -- when you say "third-party  
11 websites."

12 Do you see that?

13 A. Yes.

14 Q. Why were you asking Mr. Gardner the  
15 clarifying questions contained within this  
16 third paragraph?

17 A. I didn't quite understand what he  
18 was asking for. I was looking for clarity.

19 Q. And you see --

20 A. Apologize.

21 Q. At the top of the Page 2, Mr.  
22 Gardner responds: "Thank you for the quick

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1 response. I am probably using terms  
2 differently than what" you -- "is commonly used  
3 in advertising."

4 Do you see that?

5 A. I do.

6 Q. Was he using terms differently than  
7 what are commonly used in advertising?

8 A. I don't think he was using uncommon  
9 terms. I was looking for clarity though.

10 Q. What was unclear about his request  
11 from your point of view?

12 A. Context.

13 Q. What do you mean?

14 A. That's my answer. It seemed to be a  
15 general ask and I was unclear of what he was  
16 looking -- or trying to look for, and as such,  
17 I did ask for clarity so that we could be  
18 thorough in his ask for whatever data he may be  
19 looking for.

20 Q. And turning to the first page  
21 continuing in the e-mail chain, you write that:  
22 "Fox, CNBC, Times, et cetera, are platforms to

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1 advertise on for the USPS."

2 Do you see that?

3 A. I do.

4 Q. What did you mean by that?

5 A. Those are areas where we provide  
6 content. Fox, CNBC, Times, et cetera, are all  
7 potential areas where we put advertising  
8 towards.

9 Q. Are there a variety of different  
10 ways that the postal service could place  
11 advertisements on these platforms?

12 MR. RYAN: Objection to form.

13 THE WITNESS: We might have various  
14 ways of advertising with these groups. They  
15 could be physical, for example, with the New  
16 York Times and their paper. It could be in the  
17 form of video, either through, for example, Fox  
18 or CNBC's networks, and it could also be put as  
19 a digital or digital display on their sites.

20 BY MS. GOODMAN:

21 Q. And could they -- those kinds of  
22 advertisements that you described be purchased

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1 through a direct deal with that platform?

2 MR. RYAN: Objection to form.

3 THE WITNESS: The postal service  
4 contracts with UM to act as an agent for us to  
5 make purchases like this.

6 BY MS. GOODMAN:

7 Q. And could UM then make such a  
8 purchase through a direct deal between it and  
9 Fox or CNBC?

10 MR. RYAN: Objection to foundation.

11 THE WITNESS: Possibly.

12 BY MS. GOODMAN:

13 Q. And are there other ways that UM  
14 could make a purchase to place USPS advertising  
15 on these platforms beyond a direct deal?

16 MR. RYAN: Objection to form.

17 THE WITNESS: Possibly.

18 BY MS. GOODMAN:

19 Q. Can you think of any other possible  
20 ways beyond a direct deal that UM could make a  
21 purchase to place USPS advertising on these  
22 platforms?

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1 January of 2023 regarding ad spend?

2 A. That may be difficult for me to  
3 answer because the UM team is about media and  
4 ad spend and it could encompass almost anything  
5 tied to our advertising efforts.

6 Q. Is it a normal part of your daily  
7 work -- is it a routine part in your work to  
8 have a one-on-one conversation with Ms. Catucci  
9 about ad spend?

10 A. It would not be an exception.

11 Q. Okay. And subsequent to January of  
12 2023, have you requested information from  
13 United -- Universal McCann based on a  
14 conversation with your counsel?

15 A. I'm not sure -- I'm not sure about  
16 the question. Could you help me.

17 Q. Yeah. After the complaint in this  
18 case was filed in January of 2023, have you  
19 made requests to Universal McCann for  
20 information in order to participate in this  
21 lawsuit?

22 MR. RYAN: Counsel, I'm going to

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1 object. That's calling for privileged -- it's  
2 calling for privileged communication. I would  
3 --

4 MS. GOODMAN: It is precisely the  
5 same kind of testimony you've already permitted  
6 him to provide. I am not asking for an  
7 instance --

8 MR. RYAN: Well, that was a mistake  
9 on my part.

10 MS. GOODMAN: -- I am asking a  
11 yes-or-no question, which is whether he has  
12 asked -- and I'll restate my question.

13 BY MS. GOODMAN:

14 Q. Mr. Karpenko, after January of 2023,  
15 have you requested information from Universal  
16 McCann as a result of a conversation with your  
17 counsel?

18 A. I would say I have requested and  
19 received various information from Universal  
20 McCann both tied to privilege and not tied to  
21 privilege.

22 MS. GOODMAN: We're going to move to

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1 compel on those communications too.

2 BY MS. GOODMAN:

3 Q. Prior to January of 2023 in the  
4 course of your work at the United States Postal  
5 Service, did you ever develop any concerns that  
6 Google was engaging in anticompetitive conduct?

7 A. I was unaware of any anticompetitive  
8 conduct from Google.

9 Q. And in the course of your work as a  
10 -- the executive director for brand marketing  
11 at the postal service, did you ever develop any  
12 concerns that you paid super-competitive prices  
13 for Google products?

14 A. Can you clarify the -- the question.

15 Q. Yeah. In the course of your work as  
16 executive director for brand marketing and  
17 participating as an advertiser in the  
18 advertising space, did you ever develop any  
19 concerns that the postal service was paying too  
20 much money for products or services from  
21 Google?

22 MR. RYAN: Object to the form.

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1 THE WITNESS: In my role I have a  
2 responsibility for hundreds of millions of  
3 dollars of budget, so I am always keeping top  
4 of mind that we're spending our investments or  
5 our moneys appropriately and getting the best  
6 value for that.

7 So from a macro perspective, we're  
8 always looking at trying to get the best value.

9 BY MS. GOODMAN:

10 Q. I appreciate that answer. And my  
11 question is a bit more specific.

12 Understanding that context that  
13 you're always trying to get the best value for  
14 USPS ad spend, my question is: Did you ever  
15 develop any concerns in the course of your work  
16 as executive director for brand marketing that  
17 the postal service was paying too much money  
18 for products or services offered by Google?

19 A. So --

20 MR. RYAN: Object to form.

21 THE WITNESS: So whether it's Google  
22 or another entity, we -- [REDACTED]

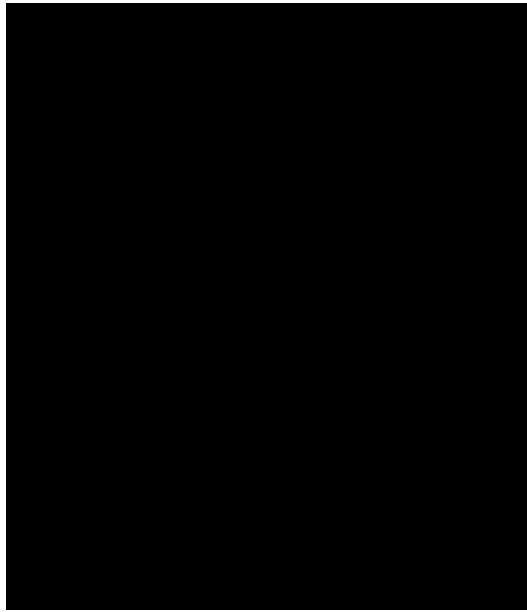
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BY MS. GOODMAN:

Q. All right. So based on your prior two answers, I'm understanding your testimony that you never developed a specific concern

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that the postal service was paying too much money for products or services offered by Google.

Am I understanding your testimony correctly that you never had such a specific concern as to Google?

MR. RYAN: Objection to form and foundation.

THE WITNESS: So Google offers a lot of products and services. Our interaction with Google is fairly vast at the postal service. We do things beyond advertising and marketing with them.

So when you're asking about products and services it's a pretty broad ask for me. So could you help narrow it down for me.

BY MS. GOODMAN:

Q. Yes. My question is specific to Google products or services relating -- with respect to digital advertising. Okay. So I don't care about Gmail or Google Workspace or Google Drive.

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Specific to products and services related to digital advertising, did you, in your capacity as executive director for brand marketing at the postal service, based on your knowledge and experience executing ad campaigns, ever develop a specific concern that the postal service was paying too much money for Google products or services related to digital advertising?

A. So I might refrain that to say we --

Q. Sir, I'm sorry to interrupt you, but my question is my question, and I am asking you to answer it as I have posed it rather than reframing it and answering a different question.

So can you please try to --

MR. RYAN: The witness is trying to answer your question, Martha.

BY MS. GOODMAN:

Q. -- to answer my question as to any specific concern as to Google specifically and the prices paid for the use of Google products

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or services for digital advertising.

MR. RYAN: I'm going to object to form. And the witness -- let the witness try to answer the question.

THE WITNESS: The postal service doesn't directly use products from Google such as DV360 for placement of advertising. We pay to place advertising on Google's environment so that we can reach our customers. I can't -- I can't evaluate their products that enable one to put media onto the various sites.

BY MS. GOODMAN:

Q. And why can't you evaluate Google's products that enable one to put media onto the various sites?

A. The postal service created a contract with UM as a media agency of record for media.

UM then places on behalf of the postal service media in various environments, and if they are utilizing Google's products to do that, we don't -- we don't dictate that and

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1 provision does not commit the postal service  
2 to, in fact, spend [REDACTED] on media buys,  
3 correct?

4 A. Correct.

5 MR. RYAN: Objection to form and  
6 foundation.

7 BY MS. GOODMAN:

8 Q. Okay. And if you flip to Page 388,  
9 do you see that this is attaching -- or  
10 including within this contract, the UM SOW  
11 contract year 2022.

12 Do you see that?

13 A. Yes, that's the Universal McCann  
14 statement of work, contract year 2022.

15 Q. And is it accurate to say that the  
16 statement of work in the subsequent pages  
17 outlines the work that Universal McCann would  
18 perform in this contract year on behalf of the  
19 postal service?

20 MR. RYAN: Objection to form.

21 THE WITNESS: Yes.

22 BY MS. GOODMAN:

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1 Q. And if you turn to page ending in  
2 11411.

3 A. 11411.

4 Q. Under Item 4: "Addressable  
5 technology."

6 Do you see where I am?

7 A. Yes.

8 Q. Do you know what Kinesso is in 4A?

9 A. Kinesso is another group that UM has  
10 used for our marketing efforts.

11 Q. And are they similar to Matterkind?

12 MR. RYAN: Objection to form.

13 THE WITNESS: Similar in the sense  
14 that they are another entity that UM works with  
15 us to help place media for our effectiveness.

16 BY MS. GOODMAN:

17 Q. And in No. 5 where it says:  
18 "Private marketplace curation and management,"  
19 what is that a reference to, to your knowledge?

20 A. I don't know.

21 Q. Okay. And if we go -- I'm sorry.

22 If we turn back to Page 390 in the

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1 chart here where the columns are: "Assumed  
2 efforts, assumed media channels," and assume  
3 spend -- "assumed spend."

4 Does this chart reflect at a high  
5 level the plans that the postal service had  
6 with respect to advertising efforts for this  
7 particular contract year?

8 MR. RYAN: Objection to form.

9 THE WITNESS: This is more a  
10 guidance than an estimate. We would be firming  
11 up our campaigns and budget later in the year.

12 BY MS. GOODMAN:

13 Q. And under the column: "Assumed  
14 media channels," do you see anywhere listed on  
15 Pages 390, 391 or 392, open web display?

16 A. No.

17 Q. You can put that to the side.

18 With respect to United States Postal  
19 Service's digital advertising efforts, did the  
20 postal service purchase any display advertising  
21 directly from Google to your knowledge?

22 A. Not to my knowledge.

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1 Q. And did the postal service purchase  
2 any open web display advertising directly from  
3 Google?

4 A. Not to my knowledge.

5 Q. Did the postal service pay Google  
6 directly for the use of DV360 to your  
7 knowledge?

8 MR. RYAN: Objection to foundation.

9 THE WITNESS: I don't know if the  
10 postal service paid for access to use Google's  
11 DV360 tool.

12 BY MS. GOODMAN:

13 Q. To your knowledge, did the postal  
14 service pay Google directly for the use of  
15 Google ads?

16 MR. RYAN: Objection to foundation.

17 THE WITNESS: I'm unaware of us  
18 paying for any Google ads from the postal  
19 service.

20 BY MS. GOODMAN:

21 Q. To your knowledge and in your  
22 capacity as the executive director for brand

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1 marketing from 2019 to 2023 time period, did  
2 the postal service purchase any ad tech  
3 services directly from Google?

4 MR. RYAN: Objection to form and  
5 foundation.

6 THE WITNESS: I'm unaware of the  
7 postal service purchasing any ad tech services  
8 from Google.

9 BY MS. GOODMAN:

10 Q. And are you unaware of the postal  
11 service purchasing any ad tech services  
12 directly from Google?

13 MR. RYAN: Objection to form and  
14 foundation.

15 THE WITNESS: I am not aware of it.

16 BY MS. GOODMAN:

17 Q. Are you aware of any contract  
18 between the United States Postal Service and  
19 Google related to digital advertising?

20 A. Not to digital advertising.

21 Q. Do you know whether any money has  
22 been paid to Google through any contract

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1 between the postal service and Universal  
2 McCann?

3 MR. RYAN: Objection to form and  
4 foundation.

5 THE WITNESS: Can you repeat that  
6 again.

7 BY MS. GOODMAN:

8 Q. Do you know whether any money has  
9 been paid to Google through funds awarded under  
10 the contract between the postal service and  
11 Universal McCann?

12 MR. RYAN: I'll repeat the  
13 objection.

14 THE WITNESS: Yes.

15 BY MS. GOODMAN:

16 Q. Okay. And how do you know that  
17 money has been paid to Google through those  
18 funds?

19 A. For example, we spend [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 Q. And if you were -- how would you

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1 figure out how much money has been paid to  
2 Google under the UM USPS contract?

3 MR. RYAN: Objection to foundation  
4 and form.

5 THE WITNESS: We at least have  
6 visibility on investment that we have asked UM  
7 to pay or to use for media, the big one is  
8 Google Search. If there are others, it would  
9 be a bit more in the weeds and I don't have  
10 that visibility.

11 BY MS. GOODMAN:

12 Q. And does anybody, to your knowledge,  
13 in the postal service have that visibility?

14 A. I don't believe so.

15 Q. Okay. Earlier, we were talking  
16 about how the postal service helps connect  
17 brands with customers, correct?

18 MR. RYAN: Objection to form.

19 THE WITNESS: Yes.

20 BY MS. GOODMAN:

21 Q. And does Google also help connect  
22 brands with their customers?

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1 MR. RYAN: Objection to foundation  
2 and form.

3 THE WITNESS: Google is an  
4 organization that offers up a number of  
5 products and services that help customers --  
6 and reach customers in a variety of ways.

7 BY MS. GOODMAN:

8 Q. The U.S. Postal Service is also an  
9 organization that offers up a number of  
10 products and services that help businesses  
11 reach customers in a variety of ways; is that  
12 accurate?

13 MR. RYAN: Objection to form.

14 THE WITNESS: There is value to  
15 both.

16 BY MS. GOODMAN:

17 Q. But it is true that the postal  
18 service is also an organization that offers up  
19 a number of products and services that help  
20 businesses reach customers in a variety of  
21 ways?

22 MR. RYAN: Objection to form.

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1 THE WITNESS: Yes, with probably  
2 some -- some caveats in that.

3 BY MS. GOODMAN:

4 Q. Okay. And so with respect to  
5 helping businesses reach their customers, does  
6 the postal service compete with Google?

7 MR. RYAN: Objection to form and  
8 foundation.

9 THE WITNESS: I think they offer  
10 different products and services.

11 BY MS. GOODMAN:

12 Q. So is your answer no, that the  
13 postal service does not compete with Google  
14 with respect to helping businesses reach their  
15 customers?

16 MR. RYAN: Objection to form and  
17 foundation.

18 THE WITNESS: Probably depends on  
19 what the customers are wanting or looking for.  
20 They have similar approaches. The postal  
21 service has the ability to offer products and  
22 services, but doesn't limit who can enter in

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1 utilizing those products and services, so you  
2 could do it as an individual or you could do it  
3 as a -- you could have an entity or business do  
4 it for you. Google has products and services  
5 that you could do something as an individual  
6 potentially, or you are required to use  
7 particular -- potential products and tools to  
8 be able to accomplish what you need to for  
9 them.

10 BY MS. GOODMAN:

11 Q. So is it at least fair to say that  
12 the postal service provides a way for customers  
13 -- businesses to reach their customers that is  
14 complementary to services that Google offers  
15 businesses in order to reach their customers?

16 MR. RYAN: Objection to form and  
17 foundation.

18 THE WITNESS: I think both entities  
19 have value to them and Google has provided  
20 value to customers.

21 BY MS. GOODMAN:

22 Q. And has Google provided value to the

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1 United States Postal Service from your point of  
2 view?

3 A. We have used Google because they do  
4 provide a value for the postal service for  
5 certain efforts that we are trying to make.

6 Q. Okay.

7 MS. GOODMAN: We can take a break.

8 THE VIDEOGRAPHER: Going off the  
9 record. The time is 18:50.

10 (A short recess was taken.)

11 THE VIDEOGRAPHER: Going back on the  
12 record. The time is 19:01.

13 MS. GOODMAN: For the record, I am  
14 ripping off the cover e-mail to Exhibit 36,  
15 handing it to opposing counsel since he clawed  
16 it back and marking the attachment as 36B. I  
17 will just hand that to the witness but I don't  
18 have any questions about it.

19 (Deposition Exhibit 36B was marked  
20 for identification.)

21 BY MS. GOODMAN:

22 Q. Mr. Karpenko, have you had any

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1 conversations with Brian Pasco about this  
2 lawsuit?

3 A. Brian worked for me, and yes, I did  
4 have conversations about the information.

5 Q. Subsequent to Brian Pasco leaving  
6 the postal service, have you had any  
7 conversations with him about this lawsuit?

8 A. I have not spoken to Brian since he  
9 left.

10 Q. And so what conversations have you  
11 had with -- did you have with Brian while he  
12 was still at the postal service with respect to  
13 this lawsuit?

14 A. To provide any information that  
15 might be needed.

16 Q. Did he provide you any information?

17 A. He gathered up -- in general, he  
18 gathered up all of his information because he  
19 was leaving and he put it on a share drive.

20 Q. And was that for purposes of this  
21 lawsuit or because it's a records management?

22 A. Both.

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1 Q. And any other -- did he provide you  
2 -- other than putting all of his information on  
3 a share drive, did he provide you with any  
4 other information in connection with this  
5 lawsuit?

6 MR. RYAN: Just to the extent that  
7 it doesn't communicate -- this was not -- did  
8 not involve communications with counsel.

9 THE WITNESS: Nothing more that I'm  
10 aware of.

11 BY MS. GOODMAN:

12 Q. Than putting the information on a  
13 share drive before he left; is that accurate?

14 A. I don't recall him specifically  
15 giving me any additional information, other  
16 than making sure that he had his information  
17 put onto a drive.

18 Q. Got it.

19 MS. GOODMAN: I have no further  
20 questions for you at this time, Mr. Karpenko.  
21 I will reserve the remainder of my time for the  
22 questions that I was not permitted to ask the

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1 witness based on what we view as improper  
2 assertions of privilege.

3 So I'll hold the deposition open for  
4 the record and I will pass the witness.

5 MR. RYAN: Any questions? I would  
6 like to just note at this point, we would like  
7 -- it might be automatic, but just for the  
8 record, I just want to note that we want to  
9 designate the entire transcript -- treat it --  
10 have it treated as highly confidential for the  
11 time allotted in the protective order, to allow  
12 portions of the transcript to be -- the proper  
13 portions to be designated and any exhibits that  
14 are highly confidential.

15 MS. GOODMAN: Okay.

16 MR. RYAN: No questions for the  
17 witness.

18 MS. GOODMAN: Thank you,  
19 Mr. Karpenko.

20 THE WITNESS: Thank you.

21 THE VIDEOGRAPHER: This marks the  
22 end of the deposition of Mr. Karpenko. Going

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1 off the record at 19:05.

2 (Whereupon, the proceeding was  
3 concluded at 7:05 p.m.)

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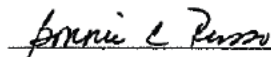
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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Bonnie L. Russo, the officer before  
3 whom the foregoing deposition was taken, do  
4 hereby certify that the witness whose testimony  
5 appears in the foregoing deposition was duly  
6 sworn by me; that the testimony of said witness  
7 was taken by me in shorthand and thereafter  
8 reduced to computerized transcription under my  
9 direction; that said deposition is a true  
10 record of the testimony given by said witness;  
11 that I am neither counsel for, related to, nor  
12 employed by any of the parties to the action in  
13 which this deposition was taken; and further,  
14 that I am not a relative or employee of any  
15 attorney or counsel employed by the parties  
16 hereto, nor financially or otherwise interested  
17 in the outcome of the action.

18 

19 Notary Public in and for  
20 the District of Columbia

21 My Commission expires: August 14, 2025  
22

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1 Sean Carman  
2 sean.carman@usdoj.gov  
3 August 11, 2023  
4 RE: United States, Et Al v. Google, LLC  
5 8/10/2023, Christopher Karpenko (#6031969)  
6 The above-referenced transcript is available for  
7 review.  
8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.  
12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 erratas-cs@veritext.com.  
16  
17 Return completed errata within 30 days from  
18 receipt of testimony.  
19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.  
21  
22 Yours,  
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1 United States, Et Al v. Google, LLC  
2 Christopher Karpenko (#6031969)  
3 E R R A T A S H E E T  
4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
5 \_\_\_\_\_  
6 REASON\_\_\_\_\_  
7 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
8 \_\_\_\_\_  
9 REASON\_\_\_\_\_  
10 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_  
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19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 Christopher Karpenko Date

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1 United States, Et Al v. Google, LLC  
2 Christopher Karpenko (#6031969)  
3 ACKNOWLEDGEMENT OF DEPONENT  
4 I, Christopher Karpenko, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.  
10  
11 \_\_\_\_\_  
12 Christopher Karpenko Date  
13 \*If notary is required  
14 SUBSCRIBED AND SWORN TO BEFORE ME THIS  
15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
16  
17 \_\_\_\_\_  
18  
19 NOTARY PUBLIC

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[& - 2.1]

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Federal Rules of Civil Procedure  
Rule 30

- (e) Review By the Witness; Changes.
- (1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:
- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.
- (2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

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